

# Science & Government Report

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## EX-PHYSICS TODAY EDITOR CLAIMS HIDDEN MOTIVES WERE BEHIND FIRING

A former staffer at *Physics Today* magazine, fired nearly a year ago after announcing to the world that he had written a book partly on company time, has taken his campaign against his former employer to the National Labor Relations Board.

Jeff Schmidt alleges in papers filed with the NLRB that his employers seized on the opening sentence of his book, *Disciplined Minds*, as a pretext for firing him after 19 years on the PT staff. The book asserts, teasingly in his view, that he had written it on "stolen" time. PT management was not amused. According to the NLRB filing, he was summarily fired, with the only explanation offered by his boss, PT Editor Stephen Benka, being his admission.

The real reason for his dismissal, Schmidt maintains, was his continual griping about a repressive workplace environment. His complaints, he argues, were made on behalf of his colleagues and were therefore protected by labor statutes.

Schmidt's unfair labor practice charge against the American Institute of Physics, which owns PT, was dismissed by NLRB's Region Five in February for lack of evidence. But his case has since been taken up *pro bono* by a Washington law firm. While the magazine staff isn't unionized, Schmidt attorney Joseph Kolick maintains that labor law bars retaliation against employees

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## Q&A: RESEARCH!AMERICA PRESIDENT MARY WOOLLEY

Mary Woolley has headed the oddly punctuated assemblage of 400 universities, pharmaceutical companies, foundations, disease advocacy groups, and other beneficiaries of federal biomedical research funding for 10 of Research!America's 12 years. She spoke with SGR last month. The following is the text of the interview, transcribed and edited by SGR:

**SGR.** *Your organization has been most credited with getting the budget-doubling movement at the National Institutes of Health going and keeping it going. Now that that seems assured of success, what do you do next?*

**Woolley.** First of all, our mission has never been doubling the budget of the NIH. Right from the beginning, our mission has been to make medical and health research a much higher national priority. One of the ways that mission has been operationalized was to initiate and sustain the drive to double the NIH budget. That's just one piece. We see that the president—

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## Ex-Physics Today Editor

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who attempt to improve workplace conditions on behalf of a group, whether formally organized or not. In his appeal of the regional office's dismissal, filed March 16, Schmidt demands his job back with back pay. Should his appeal be accepted, says Kolick, the NLRB general counsel would issue a civil complaint against AIP and a trial would be set before an administrative law judge.

"We think it's obvious that they used his book as a pretext for his firing," Kolick said. "We think we can show that most magazines are perfectly happy to let their employees engage in freelance writing, as long as they get their work done."

To bolster his case, Schmidt included in the appeal sworn affidavits from two former magazine staffers, attesting to the magazine's acceptance, if not encouragement, of freelance activities. In one affidavit, William Sweet, now managing editor of *IEEE Spectrum*, says he was told by the then-editor-in-chief of PT that he was free to pursue freelance projects while at his job. Sweet says he was also assured by AIP's human resources director, Theresa Braun, that he had unlimited long-distance telephone privileges.

"*Physics Today* had an exact way of defining people's jobs," Sweet's affidavit says. "If you did your job, then you were left alone." Sweet said he regularly contributed to *The Bulletin of the Atomic Scientists* while at PT, working on the freelance jobs openly and often discussing them with coworkers. No one from management warned, reprimanded, or disciplined him in any way for his outside work, he adds.

Repeated efforts to obtain comment from PT and AIP officials were unavailing. Benka didn't return a call. Publisher Randolph Nanna referred *SGR* to Braun, who didn't call back either.

In his appeal documents, Schmidt alleges that his unofficial role as spokesman for the staff got him in hot water with PT management on numerous occasions, making them eager to fire him. Over the years, he says, he sought additional staff to help ease workloads, lobbied for employee involvement in workplace dispute resolution, and urged changes in hiring practices to increase the racial makeup of the staff. The magazine's 16 editors and reporters are white, although some of the support staff are non-white.

In October 1997, the documents state, a half-dozen or so staff presented a written grievance to the magazine's advisory committee, complaining of "an increasingly repressive work environment at the magazine." Staff had endured increasing incidences of "verbal abuse, direct threats of dismissal and warnings about speaking out in front of both *Physics Today* managers and others outside *Physics Today*."

One of the signers of that petition, Jean Kumagai, confirmed Schmidt's contention that she and other staff were discouraged from talking among themselves while at the office. Kumagai, who's now also at *IEEE Spectrum*, said that on numerous occasions managers would show up uninvited during conversations and demand to sit in. One manager once referred to Schmidt as a "ringleader," she said.

While he "expressed some strong-minded views," Schmidt wouldn't have been fired by a company with a more progressive work environment, Kumagai said. The content of Schmidt's book, which deals with the angst of professionals trapped in intellectually unchallenging jobs, might have had something to do with his termination, she speculated, though news accounts quoted Braun asserting that was not the case. The book is something of a manifesto, urging those who populate the middle rungs of institutional ladders to form a union and "fight management's information advantage."

Schmidt says he can't remember how many times he's been asked why he'd want the job back. It's a matter of principle, he says, adding that demanding an offer to return isn't the same as accepting it. But he would take it, he says, at least for awhile, partly because he needs the money.

"People ask me how I could tolerate working in such a repressive environment," he says. "The answer is that I'm used to it, and I can tolerate a repressive environment so long as there's some resistance to it. It's naive to expect managers to be nice guys."

He won a victory of sorts when Maryland's office of unemployment insurance last summer dismissed AIP's attempt to deny the benefits. The state agency ruled that AIP hadn't shown enough evidence to show he'd been fired for misconduct is proof enough of injustice. Those benefits have run out, and Schmidt says he hasn't found other work.

Apart from the legal battle, Schmidt has been working the "public pressure" angle. He provided *SGR* with a sheaf of letters that have been written on his behalf to PT's and AIP's management since the firing. One of the most recent, dated April 9, was signed by 136 individuals, mostly academics from a wide variety of fields, with a few union officials sprinkled in. Helping solicit its signatures, Schmidt says, was Noam Chomsky, the renowned MIT linguist.

"Your repressive actions harm the reputation of physicists," the letter to AIP Executive Director Marc Brodsky reads. "Worse, your repressive actions discourage free expression and organizing, and thereby work against democracy and social progress."

AIP's affiliation with the University of Maryland has even allowed Schmidt to portray himself a champion of academic freedom. In an April 19 letter to university President Clayton Mote Jr., Schmidt requests that the library privileges he lost with his firing be reinstated, arguing "the speech



and action that led to my dismissal is consistent with university principles.”

## Q&A: RESEARCH! AMERICA PRESIDENT

(Continued from p.1)

including in his message to Congress—and members of Congress have made a bumper sticker slogan of doubling the NIH budget out of what we think is the larger goal: making medical and health research a higher priority. We’re very happy that all this momentum is happening on doubling.

**SGR.** *Why is doubling the right number anyway. Why not triple, or one-and-a-half?*

**Woolley.** It goes back to the bumper sticker. What can you and I and policymakers and the media and anybody else who is paying attention kind of remember as the quick, easy slogan that captures the underlying conduct? The underlying basis for increasing medical and health research is the level of opportunity in science. That became apparent in the late 1980s and 1990s. We early on started talking to the science community about what the real opportunity is out there. Because that’s what the public is hoping for, banking on and investing in. What it comes down to is science can’t deliver any faster than the resources we put into it.

In the early 90s, we started doing some testing of messages about moving more aggressively in investing in medical and health research. One of the first ones we used was the fact that only 3 cents of every health care dollar was spent on research to make the delivery of health care better and better. Compare that to the defense industry, including the Defense Department, where the figures are like 15% for the next generation of weaponry or tactics. It’s also way below most private industry. This turns out to be pretty easy for the public to understand. We then decided in 1993 to start doing public opinion polling, to see what the public more broadly, not just the interested, paying-attention crowd that we were exposed to, felt about this. We started out by telling people that we spend about 3 cents of every health care dollar on research, and asked whether that was too much, about right, or should be more. We were stunned that people were talking that it should be 10 cents, or 20 cents. We tested it further in focus groups, and we found the people most likely to say it should be 20 cents or more were people who themselves or someone in their families were dealing with an intractable disease disability. They were ready to have every dime of the taxpayers’ money spent now to find a cure.

**SGR.** *That includes just about everybody.*

**Woolley.** Find me someone who hasn’t felt the impact of disease or disability on their family. So we realized that the public is ready for a significant boost in their own tax spend-

ing. On another question, whether you would personally be willing to spend as much as a dollar more per week on medical research, we were getting 60% agreement. We didn’t fool around; we said taxes. We didn’t try to masquerade it as something other than from my pocket to research via the federal government.

**SGR.** *But the budget is a zero-sum game. Nobody out there is going to suggest a tax increase. If you were to ask respondents whether they’d rather have an increase in the NIH budget at the expense of say, lower Social Security benefits or reduced defense spending, wouldn’t the answers be different?*

**Woolley.** That isn’t the way decisions get made. The Congress doesn’t work as a committee of the whole, by plebiscite or by some kind of Internet instant decisionmaking process. They don’t decide that for each tax dollar, what each cent goes for.

**SGR.** *Okay, what if you asked if they’d like to have a 10% increase for NIH or a 10% increase for the Centers for Disease Control and Prevention (CDC)?*

**Woolley.** People don’t know the difference. They don’t even know what the organizations are. We’re asking more globally about medical and health research, and in fact that’s not synonymous with the NIH. In some ways it doesn’t matter whether people who are not connected to the enterprise know the difference between the NIH, CDC, or the Agency for Healthcare Research and Quality (AHRQ). We have and continue to test how highly people value an increase in federal support for education, for defense, for protecting Social Security and Medicare, and for scientific research, to see where research plays out among highly valued federal activities. And it places out very near the top. Usually education is number one, defense and research are, depending on the state, two or three. Social Security and Medicare are fourth, sometimes a little higher. There is no reason to think that medical research is way down there at number 18.

The Republican Party, back when [former House Speaker Newt] Gingrich was the leader, did some of their own polling, and came up with the same thing. It was right around the time they replicated what we were doing that they started talking about investing in medical research as a high priority. Now more and more science-based groups are doing polls very much like we do.

More and more we’re asking the question about science, research, and engineering, not medical research.

**SGR.** *When Harold Varmus left NIH, he said that post-doubling, the annual budget increases should come down to a level somewhat above the level of inflation. What’s your view?*

**Woolley.** I go back to the opportunity in science argument. I don’t think inflation plus 1%, inflation plus 2%, or minus 2%, is a good measure of opportunity in science. The judgment call of what funding level is appropriate to take



Order from National Academy Press, address and numbers listed above.

**From the US General Accounting Office (GAO), no charge:**

***Security of Russia's Nuclear Material Improving Further; Further Enhancements Needed*** (GAO-01-312, 45 pp.), security systems installed by personnel from Department of Energy facilities now partially protects only a third of the 600 metric tons of plutonium and highly enriched uranium at Russian installations that is vulnerable to theft by terrorists or diversion to hostile nations. But those systems have been completed for just 14% of the material, says this report prepared for Sens. John Warner (R-VA) and Pat Roberts (R-KS). DOE says it doesn't expect to complete the security upgrades at all sites before 2020, but that was before the Bush Administration announced it will cut the program next year.

***Food Safety: Overview of Federal and State Expenditures*** (GAO-01-177, 83 pp.), The Department of Agriculture's Food Safety and Inspection Service (FSIS) and the Food and Drug Administration together spend about \$1 billion a year, and states another \$300 million. FSIS spends nearly \$300 million on carcass-by-carcass slaughter inspections, which can't detect microbial pathogens but are mandated by law. Another \$145 million goes for daily inspections of food processing plants regardless of risk. Despite these expenditures, it's estimated that unsafe foods cause as many as 76 million illnesses each year, and the costs of seven pathogens alone up to \$37 billion.

***US Agency for International Development Fights AIDS in Africa, but Better Data Needed to Measure Impact***, (GAO-01-149, 48 pp.), USAID is getting 53% more to spend on fighting the HIV/AIDS pandemic in sub-Saharan Africa, but the agency says it must first modify its procurement processes and capacities to handle the increase. The GAO, in this report prepared for Sen. Bill Frist (R-TN), faults USAID for not regularly reporting data on progress in combating the disease. The \$174 million the agency is budgeting this year, and for that matter, the \$500 million total in US funding, is pitifully small to battle a disease that is estimated will kill as many as one-quarter of the population of the hardest-hit nations in the region over the next decade.

Order from: GAO, PO Box 37050, Washington, DC 20013. Phone: 202-512-6000. Fax: 202-512-6061.

**IN BRIEF**

- NASA Administrator Daniel Goldin has presided over nine budget rollouts, so he knows a few tricks of the trade. Lacking any real positive news, Goldin used the occasion to announce, in typical multimedia fashion, a new concept for an aircraft that would attempt to mimic the flight mechanics of an eagle's wings. The new concept, in which wings would "morph" into different shapes to optimize the variety of speeds and flight conditions encountered during a flight, would represent a revolutionary change for commercial aircraft, whose basic shape and technology haven't changed since the introduction of the Boeing 707, said Goldin. But don't look for it overhead anytime soon. The morphing plane exists only on computers, and it isn't likely to fly for 15 years or more, if ever.

- Goldin is also a veteran of hearings called by the House Science Committee to handwring over the latest cost overruns on the International Space Station. But the latest round, convened by committee Chairman Sherwood Boehlert (R-NY) was notable for the absence of the haranguing that was a regular feature of the previous chairman, James Sensenbrenner, whenever Goldin came before his panel. This time, the NASA administrator was politely questioned about the \$4 billion in new overruns, which puts the estimated cost at a colossal \$30 billion and counting. Committee members didn't even seem to be fazed by Goldin's warning that the cost could go even higher, should there be factors outside NASA's control, including the performance of Russia and the other partners in the project. Talk of canceling the station seems to diminish with each passing billion.

- Eugene Mallove, who helps keep cold fusion alive as editor and publisher of *Infinite Energy* magazine, had to wait nearly a year, but he finally got a reply to a treatise he prepared for former President Clinton on the subject, at the request of a White House staffer. Just why and on whose behalf that request was made has never been clear (*SGR*, July 15). While busy issuing his notorious last-minute pardons, Clinton found time to fire off a letter two days before leaving office that thanked Mallove for his "insights about the critical challenges in the field of high technology," and commending him "for your commitment to improving our world." Alas, notes Mallove, no pardon was forthcoming for cold fusion, which believers feel has been unjustly condemned.

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